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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Integrating the human rights of women throughout the United Nations system

Report of the Secretary-General

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Introduction

1. At its fifty-second session, the Commission on Human Rights, in its resolution 1996/48 of 19 April 1996, called for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms. The resolution also requested the Secretary-General to report on the steps taken to integrate the human rights of women into the United Nations system.

2. The present report, submitted in accordance with the above-mentioned resolution, will as a starting point review the background to the question of the human rights of women by, inter alia, examining the pertinent recommendations of the Vienna Declaration and Programme of Action. It will also consider the main activities of human rights treaty monitoring bodies and the gender dimension reflected in the activities of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. This is followed by a presentation of violations of women's rights as documented in the reports of thematic and country special rapporteurs and working groups. The report concludes by making some recommendations for the improvement of the integration of women's rights in the United Nations system in a more systematic manner.

I. EVOLUTION OF THE QUESTION OF HUMAN RIGHTS OF WOMEN

A. World Conference on Human Rights

3. The Charter of the United Nations declares that one of the purposes of the Organization is "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". Furthermore, the Universal Declaration of Human Rights states clearly that everyone is entitled to all rights and freedoms set forth in the Declaration, without distinction of any kind. Women are therefore entitled to the full enjoyment of the rights enshrined in the Declaration.

4. During the last 50 years, the international development of human rights has stimulated concern and awareness for promoting and protecting women's rights. The Convention on the Elimination of All Forms of Discrimination Against Women, adopted in 1979, has served as a comprehensive international legal instrument to protect the human rights of women. It should be recalled that the theme of women's rights which was marginalized in early World Conferences on Human Rights, became an independent theme at the World Conference on Human Rights held in Vienna in 1993.

5. The World Conference on Human Rights, by devoting particular attention to the question of gender inequality in the full enjoyment of human rights, has clearly acknowledged that women's rights are human rights and that they should be integrated into the mainstream of human rights activities throughout the United Nations system. The Conference emphasized the importance of working towards the elimination of violence against women in public and private life and the eradication of all forms of discrimination against women, both hidden or overt. Therefore, Governments and the United Nations should

make the full enjoyment of human rights by women a priority of their policies. All States were encouraged to supply information on the situation of women de jure and de facto, and to ratify the Convention on the Elimination of All Forms of Discrimination Against Women by the year 2000. A joint effort was requested from Governments, intergovernmental and non-governmental organizations alike to promote and protect the human rights of women, and to facilitate women's access to decision-making posts and processes.

6. During the Conference, the need for cooperation and coordination among the human rights bodies and mechanisms of the United Nations was stressed. Certain measures were considered necessary to ensure that the violation of women's rights is regularly addressed. In that regard, treaty monitoring bodies were urged to include the status of women's human rights in their deliberations and findings, and training was recommended for United Nations human rights and humanitarian relief personnel to increase awareness of gender inequality issues. To this end, women's access to and promotion in the United Nations system on an equal basis should be guaranteed. The Conference encouraged Governments and organizations to facilitate access of women to decision-making posts in the United Nations Secretariat. The Centre for Human Rights would undertake its activities in close cooperation with the Division for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations bodies.

7. The World Conference on Human Rights has clearly promoted the concept that the human rights of women are an inalienable part of universal human rights. As such, they must form an integral part of the human rights activities of the United Nations, including the promotion of all human rights instruments relating, directly or indirectly, to women. The Vienna Conference therefore represents a great achievement in the promotion and the protection of women's rights.

8. In March 1995, at its thirty-ninth session, the Commission on the Status of Women adopted resolution 39/5 in which the Commission, welcoming the Vienna Declaration and Programme of Action which stressed that the human rights of women should be integrated into the mainstream of the United Nations system-wide activities and noting that according to the Vienna Declaration and Programme of Action, steps should be taken to increase cooperation and further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations bodies, stressed the importance of cooperation and coordination between the Commission on the Status of Women and the Commission on Human Rights to ensure that the United Nations human rights mechanisms address on a regular basis violations of the human rights of women and that the Commission on the Status of Women should regularly take stock of that integration process while carrying out its central role of monitoring activities relating to the status of women. Various specific recommendations were made in the resolution to enhance efforts to mainstream the human rights of women particularly in the work of the United Nations human rights programme.

9. The theme of integration was reiterated in the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, which

stressed the need for intensified efforts of cooperation and coordination to ensure that the equal status and the human rights of all women and the girl child were integrated into the mainstream of United Nations system-wide activities and were addressed regularly and systematically in relevant United Nations bodies and mechanisms. The Conference also called for the elimination of all forms of discrimination against women and the girl child and the removal of all obstacles to gender equality and the advancement and empowerment of women.

10. The gender approach which emerged within the United Nations system acknowledges the distinction between the biological and social differences of men and women. 1/ As sex refers to biologically determined differences between men and women that are universal, so gender refers to the social differences between men and women that are learned, changeable over time and have wide variations both within and between cultures. Gender is a socio-economic variable in the analysis of roles, responsibilities, constraints, opportunities and needs of men and women in any context. The use of the term "gender" as an analytical tool focuses not on women as an isolated group, but on the roles and needs of men and women. Given that women are usually in a disadvantaged position as compared to men of the same socio-economic level, promotion of gender equality usually means giving explicit attention to women's needs, interests and perspectives. The ultimate objective is the advancement of the status of women in society.

B. High Commissioner/Centre for Human Rights

11. It should be noted that since the adoption of the Vienna Declaration and Programme of Action, the High Commissioner/Centre for Human Rights has increased its effectiveness in addressing the promotion and protection of the human rights of women throughout its programmes.

12. The High Commissioner/Centre for Human Rights has emphasized the need to implement the relevant provisions of the Vienna Declaration and Programme of Action. It underlined the importance of examining systematically the violations of human rights suffered by women and of trying to collect information on de jure and de facto discrimination. The human rights of women and the human rights problems related to the girl child, as well as violence against women, were a major focus of the Fourth World Conference on Women. From the outset, the High Commissioner for Human Rights submitted analytical comments on the draft report of the Conference to ensure existing human rights standards and norms were respected throughout the final document and that the principal achievements of the Vienna World Conference on Human Rights were maintained. The High Commissioner invited a number of experts of treaty bodies and special rapporteurs to participate in events organized during the Conference. The human rights of women represented one of the priority issues of the High Commissioner.

13. The High Commissioner for Human Rights continues to attach particular attention to the promotion of the equal status and human rights of women. When visiting countries, the High Commissioner systematically discusses the status and human rights of women with governmental officials and non-governmental organizations, drawing special attention to the impact of economic adjustment or transitional policies on the rights of women.

14. The High Commissioner/Centre for Human Rights, which has contributed to all relevant documentation in preparation for the Fourth World Conference on Women, has published a fact sheet on the elimination of discrimination against women and the work of the Committee under the Convention (No. 22) as well as a fact sheet on United Nations activities for the elimination of harmful traditional practices affecting the health of women and children (No. 23). Most of the other fact sheets, such as Contemporary forms of slavery and rights of the child prepared by the Centre include a gender dimension.

15. Pursuant to Part I, paragraph 18 and Part II, paragraphs 37 and 42 of the Vienna Declaration and Programme of Action, the High Commissioner/Centre for Human Rights and UNIFEM have co-sponsored an expert group meeting on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes in July 1995 (E/CN.4/1996/105). The purpose of the meeting was to assist the Centre for Human Rights, the United Nations human rights bodies and mechanisms, and other concerned entities in developing an approach and methodology for drafting gender-sensitive guidelines and relevant material for the integration of the human rights of women into the United Nations activities and programmes. At the end of the meeting, the experts acknowledged the impossibility of elaborating a generic set of guidelines which would be relevant and useful for all human rights bodies and mechanisms. Instead, the final document produced by the meeting attempted to provide a theoretical and conceptual framework for the development and application of a gender perspective. It also formulated broad recommendations to be utilized by the various parts of the system as a starting point or catalyst in the elaboration of tailored guidelines for incorporating a gender perspective into their work.

C. Human rights technical assistance and assessment missions

16. It should be recalled that the programme of advisory services and technical cooperation in the field of human rights is a United Nations programme coordinated by the High Commissioner for Human Rights. It aims at building a culture of human rights at the national and regional levels by promoting the incorporation of international human rights standards into national laws, policies and practices by strengthening key institutions and by facilitating the development of an infrastructure which supports and promotes fundamental freedoms. Assistance is provided to or through Governments, only upon request, and can cover one or more different fields including: constitutional and legislative reform; establishment and strengthening of national institutions for the promotion and protection of human rights; training of judges, lawyers, prosecutors, police and prison personnel in the administration of justice; human rights and humanitarian law training for military officials and peace-keepers; training of government officials in human rights matters and in the preparation of reports to treaty bodies; teacher training and curriculum development; support to regional human rights bodies, non-governmental organizations and civil society.

17. Further to the Vienna Declaration and Programme of Action which called for the equal status of women and the human rights of women to be integrated into the mainstream of United Nations system-wide activity and for the Centre for Human Rights to ensure that all activities regularly address violations of women's rights, including gender-specific abuses, the Fourth World Conference

on Woman in the Beijing Declaration and Platform for Action, called on the United Nations to provide "appropriate technical assistance and other forms of assistance to the countries with economies in transition in order to facilitate solution of their specific problems regarding advancement of women" (A/CONF.177/20, chap. I, annex II, para. 339).

18. The expert group which met to draft guidelines on integrating gender perspectives into the international human rights system recommended, in relation to technical cooperation, that gender-specific data be collected during the needs assessment, project formulation and evaluation phases and that specific guidelines be developed for use at all stages of the project cycle. Training in the human rights of women and in the application of gender-specific perspectives was also recommended for all project personnel.

19. In that connection, and in line with the principles promoted by the World Conference on Human Rights, the High Commissioner/Centre for Human Rights instructed those conducting assessment missions for technical assistance to take particular account of the status of women in the country concerned and to aim to improve the situation of women's rights in their recommendations. The incorporation of gender into the Centre's programme of technical assistance takes the form of advisory services of experts, human rights seminars, training courses and workshops, and fellowships and scholarships. Women have also been recruited to implement human rights technical assistance projects in certain countries, and a roster of women experts in the field of human rights is being developed.

20. A project has been prepared under the programme for cooperation which is intended to facilitate the integration of a gender perspective into all aspects of technical cooperation practices and procedures, from the needs assessment and project formulation phases to monitoring and evaluation. This project, to be implemented in cooperation with the Division for the Advancement of Women as of January 1997, will involve five distinct steps: first, a detailed assessment of past and current technical cooperation practices with respect to gender; second, the collection and collation of gender-integration expertise from other United Nations technical cooperation agencies; third, drafting of a working paper; fourth, the convening of a small working group to review this material and to develop draft procedures and guidelines as well as proposals for the revision of existing procedures and documentation; fifth, the field testing of the draft procedures and guidelines in the context of selected technical cooperation projects and activities. Until recently, there was no formal commitment to integrate women's rights into technical cooperation activities, the assumption being that women were automatically participants and beneficiaries. This new project is therefore a step forward in the mainstreaming of the human rights of women in the United Nations system.

D. Activities of United Nations bodies and specialized agencies

21. The information presented in this section is not exhaustive. It attempts to give a brief overview of the rising concern of some agencies for the special protection and promotion of the human rights of women.

1. World Health Organization 2/

22. In May 1992, the World Health General Assembly adopted resolution WHA45.25 in which it requested the Director General of WHO:

(a) To establish in 1992 a Global Commission on Women's Health, consisting of political, scientific and professional leaders throughout the world, the largest number of whom would be women, with due respect for equitable geographical representation, and who would serve in their personal capacities, the terms of reference of which would include producing an agenda for action on women's health; making policy-makers aware of women's health issues by using sex-specific data on women's socio-economic and health conditions; advocating the promotion of women's health issues within all development plans, using all forms of mass media and providing a forum for consultation and dialogue with women's organizations, women's health advocacy groups, and others who represent the mobilization of women, from the grassroots to the highest political levels;

(b) To support the work of the Global Commission by advocating and facilitating its participation in the World Conference on Human Rights in 1993, the International Conference on Population and Development in 1994, and the Fourth World Conference on Women in 1995; and to report to those Conferences;

(c) To further support the work of the Global Commission in such areas as: mobilizing the necessary resources; establishing standards and criteria to permit regular monitoring of women's health status; advising on action to ensure adequate attention to women's concerns in the activities of the health sector and other development sectors at all levels, including contributions to existing mechanisms such as the United Nations Commission on the Status of Women and to the development of legislation to protect the health of vulnerable women and children in times of armed conflict; enhancing coordination and cooperation within the United Nations system for women's health; and monitoring the overall progress made in implementing key elements of past resolutions and strategies affecting women's health, using sex-specific data.

23. Pursuant to the above-mentioned resolution, the Global Commission on Women's Health was established in 1993 and since then has held four sessions. Its primary objective was to promote the adoption and implementation of effective measures at all levels for improving women's health, and to carry out international and national advocacy on behalf of women's health concerns.

24. The first session, held in April 1994, provided a concise picture of political changes, economic trends and sociocultural and technological changes from the standpoint of their impact on women's health and "health security". The concept of "health security" encompasses all aspects of the basic rights to health: the right to freedom of choice and personal security; the right to food in sufficient quantity and quality; the right to live and work in environments where known health risks are controlled; and the right to have access to education, information and decent housing.

25. The second session of the Commission, held in October 1994, was devoted primarily to adolescent health, and the development and formulation of an action plan. At the third session, held in April 1995, much attention was devoted to the preparation of the Beijing Conference. In that regard, during the Conference the Commission held an ad hoc session, at which it adopted a "Declaration on Women and Health Security". Reaffirming the Constitution of WHO which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being and that the health of all peoples is fundamental for the attainment of peace and security, the Commission committed itself to greater health security for women throughout their entire life cycle. The Commission also adopted various goals and targets for the year 2000, encouraging Governments to adopt them as the basis for policies and programmes to improve women's health.

26. The fourth session of the Commission, held in April 1996, emphasized the concept of health security for women. The Commission discussed a number of themes relevant to human rights, in particular violence against women, affirming that all forms of violence against women were unacceptable and advocating "zero tolerance" of violence against women. It likewise addressed maternal mortality and morbidity, observing, inter alia, that maternal mortality is a reflection of the status of women, their access to health care, and the adequacy of the health-care system in responding to their needs. Among the points it agreed upon was the importance of a legal framework that protects and promotes women's health. Another item of the agenda was education for the health of girls and women and here too, the Commission included a human rights focus.

27. The World Health Organization is also contributing to the system-wide medium-term plan for the Advancement of Women, 1996-2001.

2. International Labour Organization

28. Within the ILO's core mandate for the promotion of social justice, the protection of women workers and the promotion of equality between men and women in employment have been areas of long-standing concern. Although the principle of equality of opportunity and treatment between men and women at work is widely accepted in most countries in the world, in practice inequalities persist everywhere. The overall strategy of the ILO is to ensure that gender issues and equality concerns are integrated across the board within its programme and project objectives and activities and are reflected in the various means of action. 3/

29. This strategy is based on the recognition that women's equal participation is essential to the achievement of all major development objectives - sustainable development, eradication of poverty, human rights and democracy. A gender training programme for ILO staff and its constituents is currently being implemented. Its purpose is to strengthen the capacity of ILO and its member States in dealing effectively with equality of men and women at work.

30. In that regard, a Gender Training Package on Gender Issues in the World of Work which consists of training sessions on issues such as gender and development, gender analysis and planning in the world of work, and a Briefing

Kit on Gender Issues in the World of Work which serves as reference material for the gender training programme and a guide for addressing gender issues in technical areas of ILO actions have been developed.

3. United Nations Children's Fund

31. UNICEF is actively engaged in integrating the human rights of women and girls into its programmes and policies. In the 1996 policy document on follow-up to the Fourth World Conference on Women, the UNICEF Executive Board endorsed three priority areas: girls' education; adolescent girls' and women's health; and children's rights and women's rights. UNICEF field offices are approaching these priorities in several ways. One important action has been linking advocacy for the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women with national programmes of action (NPAs) for children. Another has been ensuring the gender-responsiveness of all aspects of UNICEF country programmes, from the situation analysis to monitoring and evaluation. In addition, UNICEF is building the capacity of its own staff in gender analysis and is striving to create a work environment which is free of gender discrimination.

32. In the area of women's and children's rights, UNICEF is promoting mutually supportive linkages between the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination against Women (CEDAW). It recently organized, together with the High Commissioner/Centre for Human Rights, the first ever joint field trip of the two human rights treaty bodies. The interaction between the members of the two committees generated numerous ideas for future collaboration both in terms of working methods and substantive issues relating to girls and women.

33. In its country programmes, UNICEF is promoting legal literacy on women's and children's rights and widely disseminating popular versions of the two Conventions. In the area of girls' education, UNICEF is pursuing several strategies, including: enhancing the quality and relevance of primary education; linking the promotion of girls' education, education with efforts to eliminate poverty; and paying particular attention to cross-sectoral issues such as water supply and sanitation facilities in schools and the health and nutrition of young girls.

34. Finally, UNICEF is becoming increasingly active in the area of adolescent girls' and women's health. Programming approaches include the provision of health and nutrition services and relevant life skills in schools; improving the quality and availability of health care; and working with community-based women's and youth NGOs.

4. United Nations Development Programme

35. In 1995, UNDP devoted its annual Human Development Report to the issue of gender equality. The report recalled that, despite a relentless struggle to equalize opportunities between men and women, one of the most persistent disparities has been gender disparity. Women still constitute 70 per cent of the world's poor and two thirds of the world's illiterates. They occupy only 14 per cent of managerial and administrative jobs, 10 per cent of

parliamentary seats and 6 per cent of cabinet positions. In many legal systems they are still unequal and the threat of violence stalks their lives from cradle to grave. The message of the report was that human development, if not "engendered", is endangered. For too long, it was assumed that development was a process that benefits all income classes and is gender-neutral in its impact. Experience has taught otherwise.

36. The report contained three principles for a full and engendered human development:

(a) Equality of rights between women and men must be enshrined as a fundamental principle. Legal, economic, political or cultural barriers that prevent the exercise of equal rights should be identified and removed through comprehensive policy reforms and strong affirmative action;

(b) Women must be regarded as agents and beneficiaries of change. Investing in women's capabilities and empowering them to exercise their choices is not only valuable in itself but is also the surest way to contribute to economic growth and overall development;

(c) The engendered development model, though aiming to widen choices for both women and men, should not predetermine how different cultures and different societies exercise their choices. What is important is to ensure that both women and men have equal opportunities to make a choice.

37. The report innovated by establishing a gender-related development index (GDI), which reflects disparities in basic human rights capabilities and ranked 130 countries on a global scale. It was interesting to note that in no society do women enjoy the same opportunities as men. The top rank is enjoyed by Sweden with a gender-related development index of 0.92, compared with a possible maximum of 1.00. After the top 32 countries, the GDI value drops below 0.80 showing how far women still have to go towards gender equality even in countries that seem to be doing better on this score.

38. The report showed that comparing GDI rankings with the income levels of countries confirms that removing gender inequalities is not dependent on having a high income, so gender equality can be pursued at all levels of income. Moreover, gender gaps in education and health have narrowed in the past two decades, although the pace of this progress has been uneven between regions and countries.

39. The report also established that a major element of discrimination is the unacceptable low status accorded to women in the society, with continuing legal discrimination and gender-related violence.

40. The report identified a five-point strategy for accelerating the progress towards concrete gender equality:

(a) National and international efforts must be mobilized to win legal equality within a defined period, e.g. the next 10 years. The international community should call for the establishment of an international non-governmental organization - World Women's Watch - which would prepare country-by-country reports on key aspects of legal discrimination and on

progress towards gender-related targets fixed by national Governments and international forums; promote the creation of ombudswomen at national and global levels to facilitate women's access to the legal system; encourage legal literacy campaigns to make women aware of their legal rights and to encourage them to study law through the generous provisions of scholarships;

(b) Many economic and institutional arrangements may need revamping to extend more choices to women and men in the workplace, for example, men can be encouraged to participate in family care, tax and social security incentives can be changed, along with the laws on property, inheritance and divorce;

(c) As recommended in 1990 by the Commission on the Status on Women, a minimum of 30 per cent of decision-making positions at the national level should be held by women;

(d) Key programmes should embrace universal female education, improved reproductive health and more credit for women;

(e) National and international efforts should target programmes that enable people, particularly women, to gain greater access to economic and political opportunities.

41. By dedicating the 1995 report to the issue of gender disparities, UNDP wished to stress that the empowerment of women must be an integral part of the sustainable human development paradigm. UNDP had adopted the advancement of women as one of its four thematic goals.

II. ACTIVITIES OF UNITED NATIONS HUMAN RIGHTS TREATY MONITORING BODIES

A. Meeting of persons chairing the human rights treaty bodies

42. In compliance with the Vienna Declaration and Programme of Action, the 5th meeting of persons chairing the human rights treaty bodies, held in September 1994, adopted a number of recommendations relevant to women's human rights. The discussion on this issue was much shorter than on other issues, but the chairpersons underlined that all human rights contained in international instruments did apply fully to women. They noted with concern that reports submitted by States parties often did not contain adequate information on the actual enjoyment by women of their rights. They urged treaty bodies to monitor closely the equal enjoyment by women of their human rights and suggested the development of a common strategy by the treaty bodies to achieve that objective, which would include the amendment of reporting guidelines to include information on women, including gender-disaggregated statistical data (see A/49/537, annex).

43. At their 6th meeting, held in September 1995, the chairpersons made six recommendations. First, the treaty bodies should fully integrate gender-perspectives into their pre-sessional and sessional working methods, including identification of issues and preparation of questions for country reviews, general comments, general recommendations and concluding observations. In particular, the treaty bodies should consider the gender implications of each issue discussed under each of the articles of the

respective instruments. Second, guidelines for the preparation of reports by States parties should be amended to reflect the necessity of providing specific information on the human rights of women for consideration by the respective committees. Third, in undertaking investigative procedures, the treaty bodies should make special efforts to elicit information about the situation of women in the area of inquiry. Fourth, treaty bodies should consistently request gender-disaggregated data from States parties and from United Nations specialized agencies and should use the data in reviewing country reports. Fifth, the treaty bodies should make every effort to exchange information on progress, developments and situations concerning the human rights of women. Sixth, in preparing reports of the treaty bodies' sessions, attention should be paid to the use of gender-inclusive language wherever possible (see A/50/505, annex).

44. At their 7th meeting, held in September 1996, the chairpersons recalled the recommendations they had made at their previous meeting. They also noted that the Committee on the Elimination of Racial Discrimination, having considered the recommendation to change its guidelines for the preparation of State party reports, decided that they did not need alteration. However, and in the light of the recommendation of the 6th meeting to incorporate gender perspectives in the work of treaty bodies, the chairpersons recommended that each treaty body continue to consider how it might most effectively include this issue in its work practices. They also recommended that the issue of gender perspective in the work of the treaty bodies be placed on the agenda of their next meeting to enable them to review the progress made (see A/51/482, annex).

45. Sharing the view of the Committee on the Elimination of Discrimination against Women (CEDAW) that it could not function properly if its secretariat continued to be physically separated from the secretariat of all other treaty bodies, the chairpersons reaffirmed their support for the request to transfer the CEDAW Secretariat to the Centre for Human Rights and thereby integrate it into the mainstream of other United Nations human rights activities.

46. At its fortieth session, in March 1996, the Commission on the Status of Women encouraged the Division for the Advancement of Women to continue the development of methodologies to analyse gender perspectives in State party reports examined by the treaty bodies. Following consultations with the High Commissioner/Centre for Human Rights and members of the Human Rights Committee in April 1996, the Division, on the basis of the work already undertaken by the treaty bodies and other initiatives, began to develop a methodology by which the treaty bodies might systematically and routinely incorporate a gender perspective in monitoring the implementation of the specific provisions contained in the international human rights instruments. In this regard, the Division will continue to consult the Centre for Human Rights and the treaty bodies (see HRI/MC/1996/2).

47. Additionally, the United Nations Fund for Population Activities, the High Commissioner/Centre for Human Rights and the Division for the Advancement of Women worked to organize jointly, in late 1996, a round table to discuss ways in which the recommendations of recent world conferences concerning women's health and reproductive and sexual health rights might be incorporated into the human rights monitoring and reporting procedures. All six treaty

bodies were invited to be represented at the round table, entitled "Human rights approaches to women's health with a focus on reproductive and sexual health rights", which was held at Headquarters from 9 to 11 December 1996. For the first time, treaty bodies, United Nations specialized agencies and the United Nations Secretariat, as well as non-governmental organizations, had a meeting on one particular theme.

B. Human Rights Committee

48. The Human Rights Committee is responsible for monitoring States parties' compliance with the International Covenant on Civil and Political Rights. The Committee also receives complaints from individual victims of human rights violations in the same regard.

49. At its fifty-second session, the Human Rights Committee decided to consider the possibility of updating its general comment relating to the equal rights of men and women. It agreed that the lists of issues to be taken up in the consideration of States parties' reports should include more concrete and detailed information on the equal status and human rights of women. During its fifty-third session, it amended its guidelines for the preparation of initial and periodic reports so as to request States parties to provide gender-specific information. The Committee was provided with a gender-based analysis of the reports of States parties to the International Covenant on Civil and Political Rights. It strongly encouraged the Division for the Advancement of Women to seek effective ways and means of providing them with gender information on States parties' reports, notably by relating and linking such information specifically to statements or information contained in each report. During its fifty-fourth session, the Committee decided to prepare a series of new general comments and appointed members to prepare drafts. It was pointed out that one of those general comments would concern article 3 of the Covenant regarding discrimination against women (see A/50/40).

50. The Committee has also developed some jurisprudence relating to the promotion and protection of human rights of women in individual cases dealt with under the first Optional Protocol to the Covenant.

51. In its concluding observations on various reports considered in 1996, the Committee stated that in Guatemala, for example, high levels of poverty and illiteracy, lack of opportunities and discrimination against women contributed to widespread violation of human rights. The Committee expressed concern at customs and traditions prevailing in Guatemala which discriminated against women. It was particularly concerned at the statement by the delegation that State institutions were frequently not in a position to address the problems affecting the female population. The Committee was also especially concerned at violence within the family which affected not only women but also children. The Committee also urged that violence (especially within the home) and acts of discrimination against women (such as sexual harassment in the workplace) should be punishable crimes.

52. With regard to Zambia, the Committee stated that the remnants of certain traditions and customs constituted an obstacle to the effective implementation of the Covenant, particularly with regard to equality between men and women. The application of customary laws in matters of personal status, marriage,

divorce and inheritance rights reinforced outdated attitudes concerning the role and status of women. The Committee also regretted the lack of measures to adequately address problems raised with regard to violence against women and the high maternal mortality rate resulting from abortion. The Committee recommended that the State party should review its laws, particularly the laws governing the status of women and women's rights and obligations in marriage, and make appropriate amendments, including the abrogation of subsections 23 (4) (c) and (d) of the Constitution, to ensure full legal and de facto equality for women in all aspects of social and economic relationships. It emphasized the need for the authorities to increase efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against women.

C. Committee on Economic, Social and Cultural Rights

53. The Committee has responsibility for monitoring States parties' compliance with the provisions of the International Covenant on Economic, Social and Cultural Rights. It pays particular attention to the measures undertaken by States parties to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in articles 6 to 15 of the Covenant.

54. In 1990, the Committee on Economic, Social and Cultural Rights revised its reporting guidelines to require specific coverage of the position of women in their enjoyment of the rights guaranteed by the Covenant. The revision aimed, inter alia, to bring the guidelines into line with article 3 of the Covenant and with its own practice. The revised guidelines require the provision of gender-specific data by States parties, and such data are also systematically sought in the written lists of issues which are submitted to States parties prior to the consideration of their reports by the Committee. At its eleventh session, the Committee requested, in its list of issues, information about gender equality of remuneration, gender-based problems in the labour market, measures taken to protect women migrant workers, women's rights to inherit from their parents and gender-disaggregated statistical data on the number of persons with the HIV/AIDS virus (see E/1995/22-E/C.12/1994/20).

55. In order to ensure mainstreaming of the human rights of women in the Committees's work, the Secretariat provides the Committee with gender-specific information which is placed in country files and included in analyses prepared with respect to each State party whose report is scheduled for consideration by the Committee. In addition to receiving written information from non-governmental organizations dealing with women's human rights, the Committee is sensitized to gender-specific issues by oral presentations from such organizations. In its examination of States parties' reports, the Committee takes into consideration information provided by the States reporting to CEDAW and of the deliberations and concluding observations of CEDAW. At its sixth session, in 1991, the Committee on Economic, Social and Cultural Rights designated one of its members to follow the activities of CEDAW.

56. In 1995, in accordance with the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women, and pursuant to

resolution 39/5 of the Commission on the Status of Women, the Division for the Advancement of Women submitted a gender-based analysis of the States parties' reports that were before the Committee at its thirteenth session (E/C.12/1994/WP.16).

57. At its session, the Committee requested two of its members to undertake an initial review of the desirability of revising its guidelines for the submission of States parties' reports, taking into account, in particular, recommendations made by the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women.

58. In its concluding observations with regard to El Salvador, for example, the Committee welcomed the creation in 1989 of the National Secretariat for the Family, the adoption of a new Family Code, the Government's ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in August 1995, and the establishment of the Salvador Institute for the Development of Women and the Salvador Institute for the Protection of Minors. It also welcomed the introduction of a telephone hotline to provide psychological help to victims of violence and to inform them about the social and medical help and legal assistance available to them. However, it noted with concern that discrimination against women, both at work and in the home, remained a major problem within Salvadoran society and, while noting that efforts had been made to change the legislation, it emphasized that the law still contained discriminatory provisions, particularly the Civil and Penal Codes.

59. Concerning the report submitted by Spain, the Committee noted with concern that despite the new legislative provisions in force, discrimination against women continued with regard to the right to equal treatment at work, the right to equal pay and access to education. It further noted with concern that the unemployment rate in Spain was extremely high, and particularly so for women. It also expressed concern at the persistence of a worrying rate of illiteracy, especially among women and in certain southern regions. The Committee recommended that the Spanish authorities should continue their efforts to ensure effective equality between men and women, in particular with regard to access to education and jobs and equal pay for equal work. It suggested that the State party should retain the integration of women in the labour market as a priority policy.

D. Committee on the Rights of the Child

60. The Committee is responsible for monitoring States parties' compliance with the provisions of the Convention on the Rights of the Child.

61. Since its 1st meeting in 1991, the Committee on the Rights of the Child has incorporated issues of gender into its programme. This has been facilitated by the fact that the Convention avoids the need for gender-inclusive language by employing both female and male pronouns, and by the fact that although the rights enshrined apply to male and female children, some articles have particular relevance for the girl child. The reporting guidelines of the Committee require States parties to include in their reports gender-disaggregated information and statistical data and indicators with

respect to the enjoyment of the rights established by the Convention. During the consideration of States parties' reports, the Committee has raised issues of early marriage, maternal health care, early pregnancy, family planning education and services, adverse health practices, the denial of educational opportunities for girls, low status of females in society, and sexual and other abuses. These concerns and suggestions for measures of prevention and rehabilitation are reflected in the concluding observations of the Committee.

62. As a matter of example, with regard to the report submitted by Morocco, the Committee at its thirteenth session was particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially girls. It also expressed its deep concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, which hampered the enjoyment of their basic rights. The lower marriageable age for girls than for boys raised serious questions as to its compatibility with the Convention, in particular article 2. The Committee recommended therefore that awareness campaigns concerning the rights of the girl child should be pursued in both rural and urban areas. It also urged the State party to implement a comprehensive national policy to promote and protect those rights. It further recommended that in the light of articles 2 and 3 of the Convention, the marriageable age be raised and made equal for girls and boys.

63. With regard to the report submitted by Uruguay, the Committee expressed its concern about the high rate of early pregnancy, which had negative effects on the health of the mothers and the babies and on the mothers' enjoyment of their right to education, hampering the school attendance of the girls concerned and causing high numbers of school drop-outs. In that regard, the Committee recommended that measures should be adopted to provide appropriate family education and services for young people within the school and health programmes implemented in the country.

64. Considering the report of Zimbabwe, the Committee noted with concern the persistence of behavioural attitudes in the society as well as cultural and religious practices which, as recognized by the State party, hampered the implementation of children's rights. Mention was made in this regard of the situation of female victims of practices such as ngozi (girl-child pledging), lobola (bride price) and early marriage.

65. Like the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child designated one of its members to follow the activities carried out by CEDAW.

66. In January 1995, at its seventh session, the Committee held a debate on the girl child, during which the complementary and mutually reinforcing nature of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women was emphasized and at which a number of recommendations for action by both the Committee and States parties to promote the rights of the girl child were made (see A/51/41).

67. From 17 to 21 November 1996, the Committee held in Egypt, for the first time, a joint meeting with CEDAW. Representatives of UNICEF and the High Commissioner/Centre for Human Rights were also present. The meeting

enabled the members of CRC and CEDAW to exchange views on ways and means to strengthen cooperation between the two treaty bodies. The need to define some priority issues of common interest, such as the withdrawal of reservations to the respective Conventions, health, education, gender discrimination, protection against domestic and other violence, sexual exploitation and trafficking, development and participation, and to develop concrete social indicators on child rights and women's rights was stressed. It was suggested that gender-sensitive and life-cycle-sensitive data be incorporated in the general part of the reporting guidelines. The importance of ensuring the active participation of the United Nations agencies and bodies and of non-governmental organizations in the reporting and implementation process and in raising the level of awareness on the rights of women and children at the national level was highlighted. There was agreement that the first joint meeting had contributed to establishing a framework for more interaction between the two committees.

68. In addition to the joint meeting, a workshop on girls' rights and women's rights was held. It stressed the need to translate the complementarity between the two conventions into concrete programmes of cooperation at all levels, including within the general framework of the United Nations human rights programme; the importance of disseminating information on both conventions and their implementation mechanisms and enlisting the support of the media in this regard; the relevance of raising awareness on child rights and women's rights and networking between the various relevant agencies and organs; the role of education as a tool for empowering women and increasing the participation of girls in the context of the country's development, in particular through the incorporation of international human rights instruments in the school curricula and qualitative improvement of education, including the elimination of stereotypes, prejudices and discrimination; and the need to improve the data-collection system with a view to formulating strategies and policies at a country level and assessing the impact of a joint system of data collection on women and children for the effective implementation of both conventions.

E. Participation of women in the treaty bodies

69. The composition of the treaty bodies has to be considered as one of the indicators of the promotion of female experts within the United Nations system. Only 1 out of 10 members of the Committee against Torture is female. On the Committee on Economic, Social and Cultural Rights, there are 2 women out of 18 members. The Committee on the Elimination of Discrimination against Women consists of female experts only. There are also 2 female experts out of 18 members of the Committee on the Elimination of Racial Discrimination. The Committee on the Rights of the Child is composed of 10 experts, 6 of them women. The Human Rights Committee has 18 members, 4 of whom are women.

III. GENDER CONSIDERATIONS OF THE COMMISSION ON HUMAN RIGHTS

A. Resolutions encouraging efforts in the integration of women's rights

70. The Commission on Human Rights has paid particular attention to the protection and promotion of human rights of women especially since the

adoption of the Vienna Declaration and its Programme of Action. A Special Rapporteur on violence against women, its causes and consequences was appointed in 1994. The Special Rapporteur has the mandate to receive and to respond effectively to information on violence against women, its causes and consequences, to recommend measures, ways and means, at the national, regional and international levels to eliminate violence against women and to remedy its consequences. During its fifty-second session, the Commission on Human Rights adopted four resolutions and one decision which directly concern women's rights. They are resolutions concerning violence against women migrant workers (1996/17), traffic in women and girls (1996/24), the question of integrating the human rights of women throughout the United Nations system (1996/48) and the elimination of violence against women (1996/49). The decision is on systematic rape and sexual slavery during periods of armed conflicts (1996/107), in which the Commission endorsed the appointment of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this question. In these resolutions, the Commission continued to express its concern at the continuing and endemic violence against women and recognized that violence against women both violated and impaired or nullified the enjoyment by women of their human rights and fundamental freedoms. The Commission stressed that the promotion of the human rights of women constituted an integral part of the human rights activities of the United Nations as reaffirmed in the Vienna Declaration and Programme of Action, and realized the urgent need for the adoption of effective measures nationally, regionally and internationally to protect and promote the human rights of women.

71. In resolution 1996/17, the Commission encouraged States to adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they had access to just and effective remedies. It requested the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers. The Commission also welcomed the scheduled holding of a United Nations expert group meeting on the issue of violence against women migrant workers in May 1996.

72. The Commission was alert to the increasing number of women and girl children from developing countries and countries in transition who were being victimized by traffickers. In resolution 1996/24, the Commission called upon Governments, and regional and international organizations to implement the Platform for Action of the Fourth World Conference on Women. It invited them to, inter alia, take appropriate measures to address the root factors that encouraged trafficking in women and girls, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators and to develop educational and training programmes and policies. It also encouraged States to enact legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

73. In its resolution 1996/48, the Commission requested all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission to include information and qualitative analysis in their reports of violations of the human rights of women, regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to strengthen cooperation among themselves. It also welcomed the recommendation by the chairpersons of the human rights treaty bodies on how each treaty body might most effectively integrate a gender perspective into its work.

74. The Commission, in resolution 1996/49, reaffirmed that discrimination on the basis of sex was contrary to the Charter of the United Nations and the Universal Declaration of Human Rights. It condemned all acts of gender-based violence against women, including all violations of human rights of women in situations of armed conflicts, and called for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State. The Commission also requested human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur on violence against women in the performance of the tasks and duties mandated, and in particular to respond to her requests for information on violence against women, its causes and consequences.

B. Resolutions encouraging national action on the human rights of women

75. In several of its resolutions relating to the situation of human rights in various countries, the Commission reaffirmed that all Member States had an obligation to promote and protect human rights and fundamental freedoms without distinction as embodied in, inter alia, the Charter of the United Nations and the Universal Declaration of Human Rights. The Commission expressed some concern for the violation of human rights of women in specific countries, including Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, the Sudan, Afghanistan, Rwanda, Zaire, Myanmar and the Islamic Republic of Iran.

76. Of the some 20 resolutions dealing with country situations, the Commission expressed concern at the situation of the human rights of women in 7 resolutions.

77. In resolution 1996/73 on the Sudan, the Commission expressed concern at policies, practices and activities directed against women and girls, including civil and judicial discrimination, which violated their human rights. It encouraged the Government of the Sudan to work actively for the eradication of practices which violated the human rights of women, especially in the light of the Beijing Declaration and Platform for Action.

78. The situation of human rights in Afghanistan also alarmed the Commission. In resolution 1996/75, the Commission, concerned at the situation of women and children, especially regarding access to basic education for girl children and access by women to employment, called upon all parties in

Afghanistan to respect fully all human rights and fundamental freedoms, including the rights of women and children, and also called upon the Afghan authorities to ensure the effective participation of women in the social, economic, political and cultural life throughout the country and to ensure equal treatment to women and girls. The Commission urged the authorities to proceed to the reopening of schools for girls and to reintegrate women in their previous jobs.

79. In its resolution 1996/80 dealing with the situation of human rights in Myanmar, the Commission, as in previous years, noted that many of the human rights violations occurring in the country directly affected women, in particular women belonging to minorities, and urged the Government to guarantee full respect for human rights and fundamental freedoms and to put an end to violations, such as abuse of women.

80. The Commission in resolution 1996/84 called upon the Government of the Islamic Republic of Iran to take effective measures to eliminate discrimination against women in view of the lack of full and equal enjoyment of human rights by women.

81. Commission resolutions dealing with situations of armed conflicts referred to the situation of women. It was established that violence against women, in particular physical and sexual violence and rape, were often used as weapons of war. In its resolution 1996/71, the Commission expressed very deep concern at information on rape and abuse of women in the areas of armed conflict in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina, and considered outrageous the abominable, deliberate and systematic practice of rape used as a weapon of war which, in this context, constituted a war crime. In its resolution 1996/76 concerning the situation of human rights in Rwanda, the Commission recognized that among the survivors of the genocide, there were an extremely high number of traumatized children and women victims of rape and sexual violence who needed assistance. With regard to the situation in Zaire, the Commission in resolution 1996/77 deplored the continuing violations of human rights and fundamental freedoms, inter alia, violence against women.

82. In some cases, it is regrettable to note the relatively moderate language used by the Commission for Human Rights in citing States' obligations with regard to the protection and promotion of the human rights of women. However, it is interesting that the Government of Haiti had extended an invitation to the Special Rapporteur on violence against women (resolution 1996/58) and that in resolution 1996/66 on Equatorial Guinea, the Commission encouraged the Government to continue taking the necessary measures to improve the situation of women's human rights in the country.

C. Gender considerations in other resolutions

83. The promotion and protection of human rights of women is emerging as a thematic issue on the agenda of the Commission and, therefore, other resolutions adopted by the Commission included a gender dimension.

84. By its resolution 1996/22, the Commission welcomed the emphasis by the chairpersons of the human rights treaty bodies that the enjoyment of the

human rights of women should be closely monitored by each treaty body and recommended that their reporting guidelines be amended in order to identify gender-specific information to be addressed by State parties in their reports.

85. Regarding the composition of the staff of the Centre for Human Rights, the Commission, in resolution 1996/65, requested the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment for the Centre for Human Rights of personnel from developing countries, giving priority, inter alia, to the recruitment of women.

86. With regard to thematic special rapporteurs, the Commission stressed the need for most of them to apply a gender perspective in the reporting process, including in information collection and in recommendations. Moreover, the Commission requested the Special Rapporteur on extrajudicial, summary or arbitrary executions, in carrying out his mandate to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women (resolution 1996/74). The Commission also condemned all acts motivated by religious intolerance in all its forms, including practices which violated human rights of women and discriminated against women (1996/23). In resolution 1996/53, the Commission deeply concerned about the existing gap, in many parts of the world, between the right to freedom of opinion and expression and the effective promotion and protection of that right, which contributed to the underreporting of incidents of discrimination based on sex and inadequate action by the Government, invited the Special Rapporteur on freedom of opinion and expression to pay particular attention to the situation of women.

87. With reference to the United Nations Decade for Human Rights Education, the Commission recalled its belief that human rights education constituted an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women (resolution 1996/44).

88. In resolution 1996/61 on contemporary forms of slavery, Governments were invited to consider the possibility of taking appropriate action for the protection of, among others, children and migrant women, against exploitation by prostitution and other slavery-like practices. Governments were requested to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take appropriate economic and social measures deemed necessary to that effect.

89. Recognizing the need to protect women and children from sexual abuse, violence and discrimination which increased their vulnerability to infection and to the impact of the HIV/AIDS epidemic, the Commission, in its resolution 1996/43, called upon States to take all necessary steps to ensure the full enjoyment of human rights by people living with HIV/AIDS and to pay particular attention to women, among others. The Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women were requested to address the questions of sexual abuse and violence against women and children which put them at greater risk with regard to HIV/AIDS.

IV. VIOLATIONS OF THE HUMAN RIGHTS OF WOMEN IN THE REPORTS OF SPECIAL RAPPORTEURS AND WORKING GROUPS

90. Several special rapporteurs of the Commission have devoted particular attention to the equal status and human rights of women in their reports. In general, they have underlined the discrimination women still face. Some of them have dedicated a separate section of their report to the issue of women in order to stress the difficulties. The present chapter presents a brief overview of gender consideration in some of the reports submitted by the special rapporteurs of the Commission.

A. Thematic special rapporteurs

91. In the report she submitted to the Commission at its fifty-second session (E/CN.4/1996/53 and Add.1 and 2), the Special Rapporteur on violence against women focused on all forms of violence against women in the family. She examined domestic violence as a violation of international human rights law.

92. The Special Rapporteur on freedom of opinion and expression, in his latest report (E/CN.4/1996/39), expressed special concern at cases brought to his attention in relation to the right to freedom of opinion and expression of women. He considered the creative freedom for women to express themselves, to create and nourish culture and to bring into the light suffering that stays hidden because of societal taboos an essential means to overcome the many manifestations of the use of violence against women, which can negatively affect their enjoyment of the right of freedom of opinion and expression. The Special Rapporteur identified some of the obstacles still standing in the way of the full enjoyment of freedom of opinion and expression by women. State censorship was among them, as were more informal types of censorship and self-censorship imposed on women by powerful groups in society that are inspired by fundamentalism of various kinds and claim that the culture of self-esteem of the society at large is endangered by the free flow of ideas.

93. In his report the Special Rapporteur on the question of torture (E/CN.4/1996/35) stated that among the 113 urgent appeals he had transmitted to 43 Governments concerning 410 individuals, at least 31 were known to be women and that among the 750 other cases of incidents of alleged torture drawn to his attention, about 120 were known to involve women. When examining the general allegations of cases of torture transmitted to the Governments concerned, it is interesting to note that when women are concerned they appear to be particularly vulnerable to torture and ill-treatment. They are more or less systematically subjected to sexual abuse, including rape. Generally, torture is allegedly inflicted to gain information, to punish, to humiliate or to intimidate. Sexual abuse is one of the most humiliating and traumatizing methods of torture.

94. The Special Rapporteur on the independence of judges and lawyers in his report (E/CN.4/1996/37) welcomed the training courses for lawyers and judges provided by the Advisory Services and Technical Assistance Branch of the Centre for Human Rights which focused, among other topics, on the protection of the rights of women in the administration of justice.

95. The Special Rapporteur on extrajudicial, summary or arbitrary executions devoted a section in his report (E/CN.4/1996/4 and Corr.1) on issues of special concern to him, including violations of the right to life of women. During the period from November 1994 to November 1995, 114 cases were transmitted to Governments by the Special Rapporteur with respect to violations of the right to life of women, representing 8.2 per cent of the total in 1995. However, this figure includes only those cases which clearly specified that the victim was female or it was obvious from the name of the person concerned. The actual number of allegations in which women were victims of extrajudicial, summary or arbitrary executions is believed to be much higher. Violations of the right to life of women, including death threats and harassment, were reported in Algeria, Argentina, Bangladesh, Brazil, China, Colombia, Cuba, Ecuador, Guatemala, Honduras, India, Indonesia, the Islamic Republic of Iran, Kenya, Liberia, Mexico, Myanmar, Nigeria, Papua New Guinea, Peru, the Philippines, Sierra Leone, Singapore, Sri Lanka, the Sudan, South Africa, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and Venezuela. The number of cases dealt with in 1995 was very similar to that of previous years. Women did not appear to be targeted by reason of their sex, but because of their activities. The fact that there were fewer women in political, trade union or judicial positions as compared with men implied that they were also less exposed to acts of violence. Women who actively participate in public life seemed to be in a similar position to that of their male counterparts.

B. Special rapporteurs on country situations

96. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia in his periodic report about the situation in the region of Banja Luka E/CN.4/1996/3, described violence against non-Serbs and civilians without particular reference to women. Nevertheless, he stated that recent reports had suggested that childless women were subjected to unpaid forced labour.

97. The Special Rapporteur on the situation of human rights in Afghanistan received information that in Kandahar, all girls' schools had been closed since September 1995. As a majority of primary school teachers were women, even boys' schools were initially closed; however, they were reopened some time later with crowded classes. Women were required to be veiled when outside the home. They were prohibited from working and their freedom of movement was considerably restricted. Women were allowed to go out only when accompanied by a close male relative; this had created grave hardships for some women, especially, for example, widows with young children who did not have adult male relatives to chaperon them. He was also informed that the medical faculty of Kandahar which had been started for women only a few months previously was closed after the Taliban assumed control because only men instructors were available to teach them. The Special Rapporteur was informed that in Kandahar and Herat, UNICEF had suspended all its aid and assistance activities in areas where discriminatory practices against girls and women prevented them from having access to education. In Kabul, the Deputy Foreign Minister stated that with regard to the situation of women in the Islamic tradition, the veil was accepted. However, he pointed out that there were 283 high-ranking women officers in the army and 18 diplomats in the foreign service, and two female helicopter pilots. Nevertheless, as a matter of

special concern, the Special Rapporteur noted that at the time of finalizing his report (E/CN.4/1996/64) girls were still deprived of the possibility of going to school.

98. The Special Rapporteur on the situation of human rights in the Sudan in his report (E/CN.4/1996/62) dedicated a section to the rights of women. The Special Rapporteur did not receive any information in 1995 on amendments aiming at bringing State legislation concerning the legal status of women into line with international instruments, particularly the Charter of the United Nations. Consequently, the Special Rapporteur felt he had to reiterate his previous conclusions that differentiation between men and women in matters relating to civil capacity, such as the ability to bear witness of full value, infringes one of the basic principles of the Charter: the principle of equality of men and women. The Special Rapporteur was not aware of any preparatory act that would indicate that the Sudan was willing to accede to the Convention on the Elimination of all Forms of Discrimination against Women, as he had recommended in his previous reports. The Special Rapporteur had received information from sources outside the Government about the release in August 1995 of female detainees who had children. Some of the sources mentioned that the Director-General of Prisons had issued a report in July 1995 drawing attention to the serious deterioration of prison conditions. It was stated that the report indicated that there were 1,000 sick women in jail and 300 children with their imprisoned mothers and it called for the release of all prisoners with children and those serving sentences shorter than six months. During his 1993 visits to the Sudan the Special Rapporteur had criticized conditions in the women's section of Omdurman prison and the treatment of inmates. He had also dedicated a detailed analysis in his previous report to on the causes of the large number of women detainees in State prisons in northern Sudan and drew attention to the numerous deficiencies in the legal procedures and to abuses and violations of which convicted women had been victims during the previous five years: rape in police custody, malnourishment, enforced conversion to Islam, physical assault and other forms of harassment. While the release of women detainees was welcomed, the Special Rapporteur again drew attention to the need to take urgent measures aimed at the elimination of the underlying causes that had led to the detention of women, in particular the criminalization of traditional practices of southerners (namely, the brewing and sale of alcohol) and, in general, at improving the social conditions of displaced women.

99. With regard to the situation of women in general in the Sudan, the problems highlighted in the previous reports had not been solved. The Special Rapporteur continued to receive reports of the same violations, abuses and harassments described in prior reports. The Special Rapporteur reiterated his view that women and children were among the most vulnerable groups targeted by agents acting for and in the name of the Government. Rape continued to be reported as widespread (perpetrated by members of all parties to the conflict) and regular reports were received of women being obliged to perform forced labour for military and paramilitary units and groups.

100. With regard to arbitrary detentions, the Special Rapporteur on the situation of human rights in Iraq stated in his latest report (E/CN.4/1996/61) that according to reliable sources, widespread arbitrary detention had taken place in the city of al-Ramadi in May 1995. According to the same sources,

this wave of arrests involved more than 1,000 people, among them women, children and elderly persons. Concerning the rights to food and health care, the Special Rapporteur recorded the constantly deteriorating situation for most of the population, especially the most vulnerable segments, among them pregnant and nursing mothers.

101. In situations of armed conflicts, civilians are the primary victims and children as well as women are more at risk because they are more vulnerable. The Special Rapporteur on the human rights situation in Burundi reported (E/CN.4/1996/16 and Add.1) that abuses were allegedly committed by soldiers in the commune of Gasorwe, particularly in the Kizi sector. According to the local population, the number of civilian dead was approximatively 200. Most of the victims were reportedly women and children. Furthermore, he reported that the military had allegedly hunted down the population of Kamenge and Kinama, using bayonets and hatchets to kill over 100 mostly women and children. These were only two of the numerous cases reported by the Special Rapporteur. The right to life and physical integrity of civilians, especially women and children, has been seriously violated in Burundi.

102. In the same way, the Special Rapporteur on the human rights situation in Rwanda stated (E/CN.4/1996/7) that the genocide of the Tutsis, the massacres of moderate Hutus and the renewed fighting in the civil war which followed were marked by many grave violations of international humanitarian law. These ranged from the burning of houses and property of fugitives, to the taking of women hostages, rape and torture. The Special Rapporteur reported that arrests and detention were often arbitrary and that the number of detainees was increasing. Prisons were overcrowded and conditions of detention distressing. The tragic situation of the detainees spared neither old people, women, nor children. In Kigali prison, there were reportedly 278 minors and 70 children with their mothers. Women are therefore living in distressing conditions of detention either because they were accused of having taken part in the genocide or they are accompanying their children who are accused of taking part in the genocide.

103. In a subsequent report (E/CN.4/1996/68) the Special Rapporteur devoted a quite extensive section to the fate of vulnerable groups, among them women, during the April 1994 massacres. Although a number of women took part in the genocide, most were victims. They may even be regarded as the main victims of the massacres. The executioners massacred their victims with no distinction between men and women nor, as regards the latter, between little girls, young girls, adults and old women. All that mattered was their ethnic origin or their connection with the ethnic group targeted. The women were all the more vulnerable because they did not have any safe place of refuge; they were hunted to their last retreats, such as churches, hospitals, schools, etc. More than men, Tutsi women married to Hutus or Hutus married to Tutsis they were exposed to the danger of being massacred by the spouse's family. Before being massacred, women were raped. Rape was systematic and was used as a weapon by the perpetrators of the massacres. According to consistent and reliable testimony, a great many women were raped; rape was the rule and its absence the exception. Despite the absence of exact statistics, the Ministry for the Family and the Promotion of Women recorded 15,700 cases of women raped during the hostilities. This official figure underestimated the true situation because, first, it did not take account of rape which took place

after the hostilities, second, some women, particularly young girls, hesitated to admit to having been raped and third, specialists referred to the high number of pregnancies, seemed to be between 2,000 and 5,000. According to general statistics, there is one pregnancy for every 100 cases of rape. If this principle is applied there were at least 250,000 cases of rape and possibly as many as 500,000. The nature of the persons targeted testifies to the systematic nature of the rapes. No account was taken of the person's age. Pregnant women were not spared, nor women about to give birth or who had just given birth, nor nuns. Cases where women were raped after being killed were reported. Women were raped by men who were known to be HIV positive. Women were raped by several men at one time, and very often they did not survive. There were even cases of militiamen forcing direct relatives to have sexual intercourse with family members. After these atrocities, women had very serious physical as well as psychological traumas. However, one of the major psychoses of rape victims seemed to be their social exclusion. Those who became pregnant and bore children were in an even more difficult position.

104. Detailed reports, photographs, video recordings and a variety of physical evidence seen by the Special Rapporteur on the human rights situation in Myanmar indicated that the practice of forced labour, forced portering, torture and arbitrary killings were widespread. Many of the victims belonged to ethnic populations. A female former prison inmate reported to the Special Rapporteur that during her stay in prison from 1989 to 1992, between 170 and 250 women were held in a two-storey dormitory measuring 60 by 40 feet. During the same period, at least 30 children and new-born infants were living with their mothers in the prison. The mortality rate among the new-born children in the prison was very high, owing mainly to the inadequate food provided to them. Reports on torture have been addressed to the Special Rapporteur: women serving as porters were often victims of sexual assaults and rape (E/CN.4/1996/65).

105. In considering the situation of human rights and fundamental freedoms in the country, the Special Rapporteur on the human rights situation in Equatorial Guinea dedicated a section of his report (E/CN.4/1996/67 and Add.1) to the situation of women. He again looked into the situation of women and their position in the society. He pointed out that he had observed no changes and that women continued to be relegated to an inferior position and discriminated against.

106. The Special Rapporteur on the human rights situation in Zaire also devoted a section of his report (E/CN.4/1996/66) to the situation of women. He stated that the relegation of women to a domestic role, attributable to cultural factors, their lack of political involvement, the reduced pay they received when on maternity leave, the violence within the family that affected two out of every three women, the discrimination practised by families in respect of education and the sexual attacks by soldiers and policemen already reported in 1994, continued unabated in 1995. Of the 45 per cent of the population that were illiterate, 70 per cent were women. The Convention on the Elimination of All Forms of Discrimination against Women had not been implemented. All sources emphasized that the rape of women in prisons was commonplace, and that the main victims were pro-democracy activists and the spouses of activists. The Special Rapporteur was told that, inter alia, rape of women was a "way of life" for the men in uniform. The lack of sex

education was reflected in the high fertility rate (6.7 per cent). The infant mortality rate was said to be constantly rising. It had also been reported that between 4.6 and 11 per cent of pregnant women in Kinshasa are HIV positive, while the percentage varies between 2.5 and 5.5 per cent in other regions.

107. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran also devoted a chapter in his report (E/CN.4/1996/59) to the status of women. The Special Rapporteur noted that there seemed to be some areas where an improvement in the status of women in the country was actively being discussed. He nevertheless believed that the status of women in the Islamic Republic of Iran was not equal to that of men in many ways. Nevertheless, according to his information, in some areas at least, significant progress could be made without violating Islamic precepts.

108. In his report (E/CN.4/1996/93), the Special Representative of the Secretary-General on human rights in Cambodia decided to keep the issues concerning the human rights of women under active consideration and commended the report "Human Rights of Women in Cambodia" prepared by the Working Group on Cambodian Women's Rights. The Special Representative urged that the media be used to combat attitudes of tolerance of domestic violence against women and to alert women to their rights and the means of escape and redress. He considered that the draft Criminal Code and the draft Code of Criminal Procedure should be reviewed by the Government of Cambodia to examine the adequacy and appropriateness of their provisions in relation to domestic violence, sexual assault and rape, including rape within marriage. He also called for the correction of the existing imbalance in female participation in education. Attention should be given to the provision of basic school education in mathematics and sciences in day classes rather than in night classes which girl and women students often found difficult to attend. Attention should be paid to limiting the risk of HIV infection of sex workers by affording them education, training and legal protection. Particular attention should also be given to women detainees, especially by proposing arrangements for pregnant female prisoners to deliver their babies safely and increasing the number of female prison guards.

109. It appears that most of the special rapporteurs of the Commission keep in mind the question of human rights of women when analysing the information they receive. Some special rapporteurs are more systematic in this practice than others, however, little information does not imply lack of interest in the issues of women's rights but rather few gender-specific communications. It should also be recalled that with regard to some issues, the human rights of women are less at risk than those of men because fewer women are involved in political activities. However, it is clear that women are generally more at risk of the violation of their physical integrity and lives. Sexual violence and rape are used by men as a weapon in nearly all conflict situations. Women are also more systematically deprived of their right to education and to freedom of movement and are more systematically victims of all forms of exploitation, including sexual exploitation.

110. While the recommendations of the special rapporteurs are often general and not gender-specific, they do feel it necessary and urgent to call for the respect of the non-discrimination principle, for national legislation to

conform to the Convention on the Elimination of All Forms of Discrimination against Women, for accession to international human rights instruments, for the elimination of discriminatory practices and for the abrogation of laws discriminating against women.

111. Special rapporteurs agree that Governments bear the primary responsibility for the implementation of the international conventions on human rights and should give most serious consideration to the fundamental role played by women and the problems women face in the society. Governments should eliminate discrimination against women and adopt positive measures to improve their effective participation in the educational, societal, economical and political fields. It goes without saying that the most comprehensive range of gender-specific recommendations on human rights of women are included in the report of the Special Rapporteur on violence against women.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

112. The present report presented a brief and non-exhaustive review of follow-up activities in the implementation of the relevant recommendations of the Vienna Declaration and Programme of Action and the Platform for Action of the Fourth World Conference on Women. It is unfortunately true that reality remains far from the objectives set forth in the two documents. The information available from special rapporteurs and reports considered by treaty bodies indicates that gender equality in the full enjoyment of human rights has not yet been achieved. Some reports addressed specific violations of women's rights either by describing specific cases or in general statements. It also appeared that public awareness of the importance of respecting the human rights of women remains low.

113. However, the report has noted some progress in promoting and protecting the human rights of women, as well as progress in integrating women's rights into the existing mechanisms and procedures. In that regard, a Department Focal point for women has been appointed in the High Commissioner/Centre for Human Rights. Nevertheless, to date, steps taken to mainstream the human rights of women into the human rights programme have been experimental and ad hoc. The future success of mainstreaming women's rights will depend on whether those steps can become systematic. Therefore, the strategies for mainstreaming must be formalized with clear guidelines. The guidelines developed by the expert group meeting convened by the Centre for Human Rights and UNIFEM, as well as its recommendations, are a step in the right direction.

B. Recommendations

114. The treaty bodies should be encouraged to develop a gender analysis of each article of each treaty, cross-referenced to the Convention on the Elimination of All Forms of Discrimination against Women, including the development of gender-sensitive model questions to be used in the review of State parties' reports. They should also be encouraged to develop a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women. Cooperation between treaty bodies in the drafting of general comments and

recommendations should be encouraged with a view to the preparation of general comments which reflect a gender perspective. Moreover, treaty bodies should be encouraged to incorporate a gender perspective into their concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State Party in so far as enjoyment by women of the rights guaranteed by a particular treaty is concerned.

115. With regard to comprehensive recommendations, reference should be made to the wide range of recommendations contained in the report on the expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes (E/CN.4/1996/105, para. 71) submitted at the fifty-second session of the Commission. The main recommendations are reproduced below:

1. The language used in the formulation of new human rights instruments and in existing standards should be gender inclusive. The High Commissioner/Centre for Human Rights should establish a guideline on gender inclusivity in all the official languages of the United Nations for use in the preparation of all its communications, reports and publications. The Commission on Human Rights and other human rights mechanisms should also strive to ensure that the language used in reports and resolutions is gender inclusive.

2. All entities charged with the protection and promotion of human rights, including United Nations human rights bodies, Governments and other international institutions, should identify, collect and use gender-disaggregated data in their communications and apply gender analysis to monitoring and reporting.

3. Because effective integration of women's human rights within the United Nations requires creative and comprehensive gender analysis of information as well as gender-sensitive interpretation of all human rights mechanisms, all bodies are called upon to revise their working methods to incorporate such an approach.

4. An evaluation of all information and training materials published by the Centre for Human Rights should be undertaken from a gender-sensitive perspective and revisions made where necessary. The Fact Sheet series, the Professional Training series and the Manual on Human Rights Reporting should be considered priorities for such review. Consideration should be given to the development of information materials on gender perspectives and on strategies for ensuring the integration of the human rights of women into United Nations system-wide activities and programmes.

5. The importance of education cannot be overemphasized. In relation to the United Nations Decade for Human Rights Education, steps should be taken to ensure that all Decade-related activities are gender sensitive; there must also be special attention paid to women's rights and to teaching women about their human rights.

6. The High Commissioner/Centre for Human Rights should provide more accessible information about current activities such as on-site field visits, treaty reporting schedules, etc. so that all NGOs, and especially women's

NGOs, can provide greater input and become more involved in the human rights work of the United Nations. More aggressive steps to disseminate this information could include media outreach, when appropriate to the mandate of the activity, using such means as radio, popular newspapers, etc.

7. All management officials and staff members of the High Commissioner/Centre for Human Rights and other personnel involved in United Nations human rights activities should receive training in recognition of the human rights of women in the application of gender-sensitive perspectives to the promotion and protection of the human rights of women.

8. The High Commissioner for Human Rights should promote system-wide coordination and collaboration on the human rights of women within the United Nations. This includes promoting a gender perspective on the human rights aspects of, inter alia, peace-keeping and monitoring the Department of Peace-keeping Operations, humanitarian assistance (Department of Humanitarian Affairs), refugees (UNHCR), development (UNDP), economic policy and planning (IMF, World Bank), reproductive health services (UNFPA), labour (ILO) and education (UNESCO).

9. The High Commissioner/Centre for Human Rights should cooperate and collaborate in efforts to mainstream women's human rights with the women-specific bodies of the United Nations system.

10. United Nations bodies and States parties must take steps to ensure equal representation of women and men, as well as gender-trained individuals, on the committees of experts that monitor the implementation of treaties, as well as among the independent experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Notes

1/ International Labour Organization (ILO), Briefing Kit, Gender Issues in the World of Work, Geneva, 1995.

2/ The information in this section is based on S. Fluss, "Women's health and human rights: some WHO perspectives", Women's International Human Rights: A Reference Guide, K.D. Askin and D. Koenig, eds. 1997.

3/ ILO, op. cit.

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